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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/735,209

12/15/2003

Seiji Umemoto

Q78829

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7590

09/01/2006

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EXAMINER

NGUYEN, THONG Q

ART UNIT

PAPER NUMBER

2872

DATE MAILED: 09/01/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 10/735,209	<b>Applicant(s)</b> UMEMOTO ET AL.	
	<b>Examiner</b> Thong Q. Nguyen	<b>Art Unit</b> 2872	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 22 June 2006.  
2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.  
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 26-39 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.  
6) ☒ Claim(s) 26-39 is/are rejected.  
7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.  
8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.  
10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Response to Amendment***

1. The present Office action is made in response to the Response filed on 6/22/2006. It is noted that applicant has not made any changes to the application in the mentioned response.

### ***Claim Rejections - 35 USC § 103***

2. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.
3. Claims 26, 28-31, 36-37 and 39 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bao et al (EP 867 747, of record) in view of Nishio et al (U.S. Patent No. 5,914,825, of record)

Bao et al disclose a reflective display system. The system comprises a transparent guide light adhesive to a panel. In columns 14-15 and figs. 9-11, the transparent light guide (20) having two surfaces in which one surface comprises a pattern of prismatic elements and the other surface comprises an adhesive layer (40a) for bonding the light guide to a panel (O). The prismatic configuration as shown in figure 10 comprises a continuously set of triangular-shaped projections (facing outwardly from the surface of the light guide) or grooves (facing inwardly from the surface of the light guide ) aligned in a substantially constant direction. Each projection/groove is formed by a first facet (22) defined a slightly angle with the surface of the guide light and acts as a reference, and other facet (21) of the projection/groove defined an angle larger than the angle

formed by the mentioned first facet with the surface of the guide light. As shown in figure 9, the prismatic configuration comprises a plurality of prismatic projection which each extends in a direction parallel to the side (or entrance) surface of the guide light facing the light source system (30) (see also figure 11). Regarding to the feature that the transparent film has an average in-plane retardation not larger than 30 nm (or 20 nm as recited in claim 29) and the average thickness retardation is not larger than 50 nm (or 30 nm as recited in claim 29), it is noted that while Bao et al do not clearly disclosed that the transparent guide (20) has such an in-plane retardation and average thickness retardation; however, Bao et al disclose that the light guide is made by acrylic resin (see page 7) which material is one of the material for making the transparent film of the present invention (see present specification in page 13). Since the same material is used for the transparent guide (20) in the device of Bao et al and the transparent film disclosed in the present application, it is clear to conclude that the transparent light guide (20) provided by Bao et al has an average in-plane retardation and an average thickness retardation in the range as claimed in the present claims 26 and 28-29.

Regarding to the difference in refractive indexes between the adhesive layer and the transparent light guide, it is noted that the material for making the adhesive layer (40a) is a resin having its refractive index matching with the refractive index of the transparent guide light (20) and the panel (O). See column 14, for example.

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Regarding to the use of a reflector disposed to the transparent light guide, it is noted that the panel (O) comprises a reflector (8) which is disposed close to the surface having prismatic structure.

Regarding to the value of the inclination angle of the optical changing slope, it is noted that the angle defined by the facet (21) in each of the optical changing slope with the transparent surface of the light guide (20) is 45 degrees which is larger than 35 degrees. See column 14, lines 23-24. See also *In re Wertheim*, 541 F. 2d 257, 191 USPQ 90 (CCPA 1976), "the disclosure in the prior art of any value within a claimed range is an anticipation of that range."

As a result, the device as provided by Bao et al meets all of the limitations of the device as claimed except the feature that the thickness of the light guide plate. In other words, while Bao et al disclose that the thickness of the transparent light guide (20) is 3 mm, they do not explicitly disclose that the thickness of the light guide is less than 300 micrometers as claimed in claim 26.

However, the use of an optical element having a small thickness in an optical display device is known to one skilled in the art as can be seen in the display device provided by Nishio et al. In particular, Nishio et al disclose a reflective element for use in a display device and teach that the thickness of the reflective element can be varied in a range of 10 (or 20) to 1000 micrometers. See columns 4 and 6, for instance. Thus, it would have been obvious to one skilled in the art at the time the invention was made to modify the device as provided by Bao et al by using optical elements including the light guide with small thickness

as suggested by Nishio et al for the purpose of obtaining a device with small scale or to match the light guide with light sources of small dimension.

4. Claims 27 and 38 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bao et al in view of Nishio et al as applied to claim 26 above, and further in view of the Japanese reference No. 11-142618 (of record).

The optical device having a transparent light guide as provided by Bao et al and Nishio et al as described above does not disclose that the adhesive layer has a strip sheet. However, the use of a combination of an adhesive layer and a strip sheet on one surface of a glass plate wherein the adhesive layer is a diffusing layer is suggested to one skilled in the art as can be seen in the optical film provided in the Japanese reference '618. Thus, it would have been obvious to one skilled in the art at the time the invention was made to modify the device as provided by Bao et al and Nishio et al by using an adhesive layer having a diffusing feature and a strip sheet for covering the adhesive as suggested by the Japanese reference '618 for the purpose of providing an adhesive layer having a diffusing feature and the strip sheet which strip sheet is removably used to protect the layer before the adhesive is placed in use.

5. Claims 33 and 35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bao et al in view of Nishio et al as applied to claim 26 above, and further in view of Qiao et al (U.S. Patent No. 5,485,291, of record).

The optical device having a transparent light guide in which a prismatic structure is formed on one surface thereof as provided by Bao et al and Nishio et al does

not disclose that the prismatic structure comprises discontinuous grooves.

However, the use of a light guide having a prismatic structure formed on one surface thereof wherein the prismatic structure comprises a plurality of discontinuous grooves is known to one skilled in the art as can be seen in the lighting panel provided by Qiao et al. In columns 2-4, Qiao et al discloses an arrangement of discontinuous grooves on one surface of the light guide (17).

Each of the groove is formed by two slopes in which one slope is gentle inclination with the plane of the light guide, i.e. in the range of 1 degree to 15 degrees while the other slope is formed with the plane of the light guide by an inclination in the range of 35 degrees to 55 degrees. It is noted that since the depth of the groove in the range of 5 and 10 micrometers and the angle of the gentle inclination is in the range of 1 degree to 15 degrees; therefore, the length of each discontinuous groove is not smaller than five times as large as a depth of the groove. It is also noted that since the land between two adjacent grooves can be 200 microns; therefore, the area of the discontinuous grooves can be selected or controlled so that it is not larger than 10% of the area of the whole surface of the light guide. Thus, it would have been obvious to one skilled in the art at the time the invention was made to modify the transparent light guide with prismatic structure formed on one surface thereof as provided by Bao et al and Nishio et al by utilize a prismatic structure as suggested by Qiao et al for the purpose of improving the optical performance of the whole system.

6. Claims 32 and 34 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bao et al in view of Nishio et al as applied to claim 26 above, and further in view of Umemoto et al (U.S. Patent No. 5,727,107, of record).

The optical device having a transparent light guide in which a prismatic structure is formed on one surface thereof as provided by Bao et al and Nishio et al does not disclose that the prismatic structure comprises flat surfaces each having an inclination angle of not larger than 5 degrees with respect to the light guide plane and the projected width of the flat surface is not smaller than 10 times as large as a projected width of the changing slope. However, the use of a light guide having a prismatic structure formed on one surface thereof wherein the prismatic structure comprises a plurality of continuous grooves having the mentioned features is known to one skilled in the art as can be seen in the lighting panel provided by Umemoto et al . In columns 6-7 and shown in figures 5(a-d), Umemoto et al discloses a light guide having prismatic structure formed on one surface thereof wherein the prismatic structure comprises continuous grooves each formed by a long facet and a short facet wherein the angle defined by the long facet and the light guide plane is 2 degrees or less and the angle defined by the short facet and the light guide plane is in the range of 25 to 50 degrees. See columns 6-7. Regarding to the feature related to the comparison between the projected width of the flat surface is not smaller than 10 times as large as a projected width of the changing slope, such feature is disclosed by Umemoto in column 6, lines 10-18, for example. Regarding to the feature related to the shape



of the grooves as recited in claim 32, such a feature is not critical to the invention and is also an obvious matter to one skilled in the art. The support for that conclusion is found in the present application in which the present claim 31 recites that the groove has a triangle configuration and the art of Umemoto et al in column 6 and figs. 5-6 in which they disclose that the shape of the groove/protrusion has a tetragon configuration. Thus, it would have been obvious to one skilled in the art at the time the invention was made to modify the transparent light guide with prismatic structure formed on one surface thereof as provided by Bao et al and Nishio et al by utilize a prismatic structure as suggested by Umemoto et al for the purpose of improving the optical performance of the whole system.

#### ***Response to Arguments***

7. Applicant's arguments with respect to claims 26-39 as provided in the Response of 6/22/2006, pages 2-4, have been fully considered but they are not persuasive for the following reasons.

Applicant has argued that the light guide plate provided by Bao et al is used with a light source and thus the thickness of the light guide must be at least the same thickness of that of the light source, and the light source has a thickness of not smaller than 1 mm (Response, page 3). The Examiner respectfully disagrees with the applicant's arguments.

In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant

relies (i.e., the thickness of light source is less than 1 mm, the film is used with a light source...) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993). Applicant is respectfully invited to review the present claims which claim an optical film having an adhesive on one surface and a prismatic pattern on another surface thereof. There is not any limitation related to the light source and its thickness being claimed.

In response to applicant's argument that the element provided by Nishio et al is directed to a reflector or a substrate sheet of a reflector, the test for obviousness is not whether the features of a secondary reference may be bodily incorporated into the structure of the primary reference; nor is it that the claimed invention must be expressly suggested in any one or all of the references. Rather, the test is what the combined teachings of the references would have suggested to those of ordinary skill in the art. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981). Applicant should note that the art of Nishio et al is used in the rejection is for the purpose of showing to one skilled in the art the fact that the thickness of an optical element could be made small so that it can match to any light source or other optical element having a small dimension.

In response to applicant's argument that the examiner's conclusion of obviousness is based upon improper hindsight reasoning, it must be recognized that any judgment on obviousness is in a sense necessarily a reconstruction

based upon hindsight reasoning. But so long as it takes into account only knowledge which was within the level of ordinary skill at the time the claimed invention was made, and does not include knowledge gleaned only from the applicant's disclosure, such a reconstruction is proper. See *In re McLaughlin*, 443 F.2d 1392, 170 USPQ 209 (CCPA 1971).

### ***Conclusion***

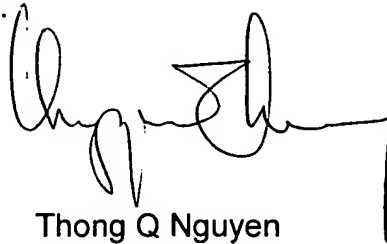
8. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thong Q. Nguyen whose telephone number is (571) 272-2316. The examiner can normally be reached on M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Drew A. Dunn can be reached on (571) 272-2312. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, appearing to read 'Thong Q Nguyen', with a long horizontal stroke extending to the right.

Thong Q Nguyen  
Primary Examiner  
Art Unit 2872

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